

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Brian Thomas Hoyland,

Plaintiff,

v.

Shawn McMenomy, individually and in his official capacity; Henry Cho, individually and in his official capacity; Alex Eckstein, individually and in his official capacity; Ryan Coughlin, individually; and the City of Rosemount.

Defendants.

Court File No. 14-cv-02977 SRN/KMM

**PLAINTIFF'S MOTION IN LIMINE
TO PROHIBIT DEFENDANTS
FROM RELITIGATING THE ISSUE
OF WHETHER PLAINTIFF'S
ARREST WAS OBJECTIVELY
REASONABLE**

COMES NOW plaintiff, Brian Thomas Hoyland, and under the law-of-the-case doctrine and the holding of the Eighth Circuit Court of Appeals in *Hoyland v. McMenomy*, 869 F.3d 644 (8th Cir. 2017); hereby moves the Court for an order prohibiting the defendants from relitigating the issue of whether it was objectively reasonable for the officers to mistakenly believe, under the totality of the circumstances, that Hoyland was obstructing them in the performance of their official duties. This issue has been finally settled and determined by the Eighth Circuit. The District Court and the parties are

bound by the Eighth Circuit's decision. Defendants should therefore be prohibited from relitigating an issue that has been finally decided.

This motion is based upon the court file and all records and proceedings herein and upon the memorandum of law in support of this motion.

Respectfully submitted,

DATED: November 8, 2017

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